

Applicant	:	Pearson
Appl. No.	:	10/568,403
Examiner	:	Yevgeny Valenrod
Docket No.	:	16515.4001

REMARKS

Claims 45-48 were rejected under 35 USC 112, second paragraph, due to typographical errors that rendered the claims indefinite and failing to comply with the written description requirement. Applicant has amended claims 45-47 and submit that the examiner Section 112 rejections of claims 45-48 are moot in view of the foregoing amendments.

Claims 45-48 were rejected under 35 USC 103 as unpatentable over Thiebaut et al (US 6,274,096). A careful review of Thiebaut reveals that it is directed to a system and process that is far a field of the process claimed in the subject application. Specifically, Thiebaut is directed to a conventional steam-gas reformer containing multiple vertical catalyst filled tubes through which the steam and gas are passed. The claims are directed to a process in which a solid organic material based feedstock is introduced into a reformer. One skilled in the are would readily recognize the impossibility of passing the feedstock solids of the claims through the catalyst tubes and, thus would not look to the teachings of Thiebaut to achieve the claimed process. Moreover, assuming for the sake of argument that one skilled in the art would modify Thiebaut to accommodate the feedstock solids of the claims, such modification would render Thiebaut inoperable for its intended purpose.

In addition to the impossibility of Thiebaut accommodating the feedstock solids, one skilled in the art would not be inclined to elevate the exit temperatures of the syngas in Thiebaut to the claimed temperature ranges because of the risk of damage to the catalyst tubes and the customary practice of not expending more energy than is necessary for a

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given reformation process. Thiebaut effectively teaches away from the claimed invention as a result.

Lastly, with regard to new claim 58, one skilled in the art would not be motivated to modify Thiebaut to operate the reformer of Thiebaut at the reduced claimed pressure range of 35 – 40 psig from an operating pressure taught by Thiebaut of 400-500 psig.

In view of the foregoing, Applicant submits that Thiebaut fails to teach or suggest the limitations of the claims and effectively teaches away from the claims, and, thus, fails to establish a prima facie case of obviousness. Accordingly, claims 45-48 and new claims 58-60 meet the requirement for patentability under 35 USC 103.

Claims 45-48 were rejected on the ground of nonstatutory obviousness-type double patenting over claims 22-24 of US 7,375,142. Applicants have submitted a terminal disclaimer herewith. This rejection is moot as a result.

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CONCLUSION

Applicants respectfully submit that claims 45-48 and 58-60 are in condition for allowance. Accordingly, reconsideration and allowance of the application is requested. If the Examiner has any questions or comments, the Examiner is invited to call the undersigned at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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